

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LORENZO FOSSELMAN,)	1:05-CV-0119 AWI SMS HC
)	
Petitioner,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATION
v.)	[Doc. #24]
)	
)	ORDER DECLINING ISSUANCE OF
)	CERTIFICATE OF APPEALABILITY
RICHARD J. KIRKLAND, Warden,)	
)	
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On August 25, 2005, the Magistrate Judge issued Findings and Recommendation that recommended a certificate of appealability be DENIED with respect to Petitioner's interlocutory appeal dated August 15, 2005. The Findings and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the order.

On September 9, 2005, Petitioner filed objections to the Findings and Recommendation.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de*

1 *novo* review of the case. Having carefully reviewed the entire file and having considered the
2 objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is
3 supported by the record and proper analysis, and there is no need to modify the Findings and
4 Recommendations based on the points raised in the objections.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The Findings and Recommendation issued August 25, 2005, is ADOPTED IN FULL; and

7 2. The Court DECLINES to issue a certificate of appealability with respect to Petitioner's
8 notice of appeal dated August 15, 2005.

9 IT IS SO ORDERED.

10 **Dated: November 9, 2005**
11 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE